

Peter Su (SBN 226560)  
RADLO & SU  
3000 El Camino Real  
Bldg 4 – Suite 200  
Palo Alto, CA 94306  
Telephone: (650) 325-0550  
Facsimile: (650) 521-5955  
pete.su@radlosu.com

Attorneys for Defendants Chiang Hsiao-yen,  
Chiang Hui-lan, Chiang Hui-yun, and Chiang Wan-an

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

The Board of Trustees of the Leland Stanford  
Junior University,

Plaintiff,

v.

Chiang Fang Chi-yi, an Individual; Chiang Yo-  
mei, an Individual; Chiang Hsiao-chang, an  
Individual; Chiang Tsai Hui-mei, an Individual;  
Chiang Yo-sung, an Individual; Chiang Yo-lan,  
an Individual; Chiang Yo-bo, an Individual;  
Chiang Yo-chang, an Individual; Chiang Yo-  
ching, an Individual; Chungyan Chan, an  
Individual; Academia Historica, an entity of The  
Republic of China, Chiang Hsiao-yen, an  
Individual; Chiang Hui-lan, an Individual;  
Chiang Hui-yun, an Individual; and Chiang  
Wan-an, an Individual,

Defendants.

No. 5:13-cv-04383-BLF

**CHIANG HSIAO-YEN FAMILY'S  
OPPOSITION TO ACADEMIA  
HISTORICA'S PROPOSED MEDIATORS**

Hon. Beth Labson Freeman

Action Filed: September 20, 2013

Trial Date:    Unscheduled

///

1 The cornerstone of any successful mediation is the appointment of a neutral and impartial  
 2 third-party who can assess the law and the facts at arm's length. Neither of the mediators suggested by  
 3 Academia Historica comes anywhere close to being neutral or impartial. In fact, by any objective  
 4 measurement, the mediators Academia Historica selected should have declined to agree to serve as  
 5 mediators in this case. As the Court is well aware, the ownership rights of the Chiang Hsiao-yen Family  
 6 were given short shrift by the Taipei District Court. The Chiang Hsiao-yen Family now asks this Court to  
 7 uphold the basic tenants of fairness by appointing a neutral, unbiased, and experienced mediator that can  
 8 facilitate the full and final resolution of this matter.

9 “Mediation is defined . . . as a ‘process in which **a neutral person** or persons facilitate  
 10 communication between the disputants to assist them in reaching a mutually acceptable agreement.’”<sup>1</sup> The  
 11 Model Standards of Conduct for Mediators adopted by the American Bar Association and the Association  
 12 for Conflict Resolution state that “[a] mediator shall decline a mediation if the mediator cannot conduct it  
 13 in an impartial manner” and define impartiality as “**freedom from favoritism, bias, or prejudice.**”<sup>2</sup> The  
 14 mediators put forth by Academia Historica, Cheng-Yi Huang and Wen-Tsong Chiou, come nowhere close  
 15 to meeting those standards for two main reasons.

16 First, as an agency whose leadership is appointed by the President of Taiwan, Academia Historica  
 17 is essentially an extension of Taiwan's government. The same is true of the governmental agency that  
 18 employees both Mr. Huang and Mr. Chiou, Academia Sinica. The heads of both agencies are appointed  
 19 by, report directly to, and receive all of their funding from the President of Taiwan. That is particularly  
 20 concerning here as one of the heirs leading the charge for the Chiang Hsiao-yen Family, Chiang Wan-an  
 21 (“Mayor Wan-an”), was recently elected as the Mayor of Taipei for the KMT party — the opposition party  
 22 to the President's Party, the DPP. Appointing a mediator with such close ties to the government in this  
 23 case would be akin to the CDC requesting that Dr. Anthony Fauci mediate a case between the CDC and  
 24 Moderna while he was still serving as the head of the NIH. It is farcical for Academia Historica to even

25  
 26 <sup>1</sup> *Saeta v. Superior Court* (2004) 117 Cal.App.4th 261, 269, 11 Cal.Rptr.3d 610, 615 (quoting Code Civ.  
 27 Proc., § 1775.1, subd. (a) (emphasis added) (quotation marks omitted)); *see also* Evid.Code, § 1115; 6  
 28 Witkin, Cal. Procedure (4th ed. 1997) § 472, 902–903.

<sup>2</sup> A.B.A Model Stds. of Conduct for Mediators, Std. II (Sept. 2005) (emphasis added).

1 suggest that two employees of a closely held government agency could ever be unbiased in a case where  
 2 another party is an elected official for the opposition.

3 Second, neither Mr. Huang nor Mr. Chiou is an attorney and neither appears to have any experience  
 4 serving as a mediator. That particular deficit seems especially glaring in this case where the matters at  
 5 issue involve the complex application of US procedural and Taiwan substantive law. Although the  
 6 advocates for both sides are more than capable of educating any mediator selected on the facts and law, it  
 7 is equally true that starting with a mediator who lacks any familiarity with the legal system will result in  
 8 wasted time and higher fees. Undeniably, educating a former Justice of the California Supreme Court of  
 9 Chinese descent who has confirmed his familiarity with both Taiwan history and Chiang Kai-shek and  
 10 his son Chiang Ching-kuo specifically would be far easier for both sides.

11 As employees of a governmental agency that, like Academia Historica, is a *de facto* extension of  
 12 Taiwan's government, Mr. Huang and Mr. Chiou are inherently biased and should have declined to  
 13 mediate this matter. The fact that Mr. Huang and Mr. Chiou lack any relevant background or experience  
 14 only adds insult to injury. That Academia Historica would seriously suggest two individuals with such  
 15 obvious and inherent bias could serve as neutral-third parties is outlandish on its face.

16 **I. As employees of a closely held governmental agency, Mr. Huang and Mr. Chiou are**  
 17 **inherently biased and should not be permitted to mediate this case.**

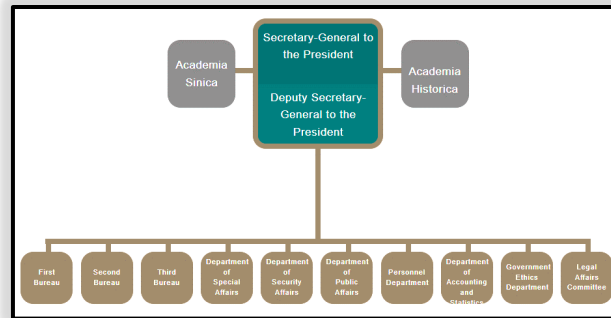
18 Just like Academia Historica, both Mr. Huang and Mr. Chiou and the agency they work for,  
 19 Academia Sinica, have extremely close ties to the government of Taiwan. As this Court has recognized,  
 20 Academia Historica is merely an “instrumentality of [Taiwan] and its ‘highest-level organization tasked  
 21 with affairs relating to the nation’s history.’”<sup>3</sup> For all intents and purposes, Academia Historica is a **highly**  
 22 **political** agency that takes its **orders directly from the government of Taiwan**. The same is true of  
 23 Academia Sinica and, as a result, of Mr. Huang and Mr. Chiou.

24 Academia Sinica is a research agency that is **directly funded by the** Budget Office of the  
 25 **President** of Taiwan.<sup>4</sup> Just like Academia Historica, the head of Academia Sinica is appointed by the

26 <sup>3</sup> (Order Granting Mot. to Reg. and Enforce the Taiwan J. (ECF 362) at 2 (quotation marks omitted)).

27 <sup>4</sup> Office of the President, Republic of China (Taiwan), *Agency Organizational Chart*, available at:  
 28 <https://english.president.gov.tw/Page/53>, attached as **Exhibit A**.

President of Taiwan. *Id.* Just like Academia Historica, and as demonstrated by the chart excerpted below, Academia Sinica is “under the **direct administrative supervision** of the Office of the **President.**” *Id.*



*Id.* Although at first glance this may not seem uniquely troubling, it is specific to these two agencies. Like many US agencies, agencies in Taiwan typically report to various Executive Yuan ministries, meaning there are several degrees of separation between a given agency and the President. Academia Historica and Academia Sinica, however, standalone as reporting directly to the President without any intermediaries. The structures of these two agencies render them uniquely political.

Furthermore, as mentioned at the outset, one of the members of Chiang Hsiao-yen Family, was recently elected as the Mayor of Taipei for the KMT party. Importantly, Chiang Kai-shek and his son Chiang Ching-kuo were important leaders of the KMT party. The KMT party is the opposition party to the DPP party, which currently controls Taiwan’s government. Making matters worse, Mr. Huang and Mr. Chiou are a self-proclaimed critics of the KMT party and of Mayor Wan-an specifically.

For example, on November 9, 2022, Mr. Huang posted a tweet complimenting the DPP candidate’s performance in the race for Taipei Mayor while disparaging Mayor Wan-an.<sup>5</sup> Similarly, on December 4, 2022, responding to a tweet stating that the US would not come to Taiwan’s aid should hostilities with China increase, Mr. Huang posted the following: “This is the most offensive statement . . . the U.S. would fight for Taiwan because it is a democracy. Taiwan would probably be worth defending even if Chiang Kai-shek were still ruling it with a bloody fist.” *Id.*

<sup>5</sup> See Twitter Posting History of Cheng-Yi Huang (Nov. to Dec. 2022), available at: [https://twitter.com/cheng\\_yi\\_huang](https://twitter.com/cheng_yi_huang), attached as **Exhibit B**. Any Exhibit originally appearing in Mandarin was translated by counsel for the Chiang Hsiao-yen Family, who is a native speaker of Mandarin, and then verified for accuracy using Google translate.

Likewise, Mr. Chiou is very involved in politics and has previously criticized the KMT presidential candidate, Han Kuo-yu, as a fool.<sup>6</sup> Indeed, Mr. Chiou is the current Chairman of the Taiwan Democracy Protection Platform Organization in Taiwan, an important political organization, and has advocated in that role for the breaking up of large political parties like the KMT party.<sup>7</sup> Put simply, appointing either of Academia Historica's proposed mediators in this case would be similar to a US Court appointing William Barr to mediate in a case between former President Trump and the democratically-led January 6th House Select Committee. The mere suggestion is preposterous.

**II. The fact that Mr. Huang and Mr. Chiou are not attorneys and have no prior experience as mediators provides an independent basis for disqualifying them in this case.**

Even if their close ties to the government were somehow not enough to disqualify Mr. Huang and Mr. Chiou from mediating this case, neither Mr. Huang nor Mr. Chiou are lawyers and neither of them appear from their resumes to have ever mediated a case. Far from being the "proven expert[s]" Academia Historica claims, Mr. Huang and Mr. Chiou are simply researchers employed by a government agency that are likely to be favorable to Academia Historica's positions. Although non-lawyers can certainly be effective mediators, this case seems particularly suited for an attorney or retired judge. This case will involve the complex application of California state or federal procedural law as well as the application of Taiwan intestate substantive law. Because neither Mr. Huang nor Mr. Chiou has any experience with either, both seem particularly ill-suited to mediate this matter.

In fact, the only justification Academia Historica points as or putting forth Mr. Huang and Mr. Chiou is their familiarity with the history of Taiwan and specifically with Chiang Kai-Shek and Chiang Ching-Kuo. But as this Court has recognized, "[a]ny person with a passing knowledge of 20th century world history has heard of Chiang Kai-shek" and his son Chiang Ching-kuo.<sup>8</sup> Likewise, it is the job of the attorneys as advocates of their respective clients to educate the Court or the mediator regarding all relevant facts and law. Counsel for Academia Historica has demonstrated his ability to educate this Court

<sup>6</sup> See Taipei Society, *Let the President be governed by the Exercising of Presidential Powers Act* (Nov. 9, 2019), available at: <https://www.taipeisociety.org/node/808>, attached as **Exhibit C**.

<sup>7</sup> Wen-Tsong Chiou, 163 *Parliamentary Quarterly* 5–53 (Jan. 2, 2020), available at: [https://issuu.com/ccw.tw/docs/d4038-\\_\\_\\_\\_-163\\_-72p-\\_\\_](https://issuu.com/ccw.tw/docs/d4038-____-163_-72p-__), attached as **Exhibit D**.

<sup>8</sup> (Order Denying Mot. to Dismiss (ECF 122) at 1–2 (Sept. 2, 2015)).

1 on the relevant facts and law throughout this case and the Chiang Hsiao-yen Family has no doubt that he  
2 is more than capable of doing the same with any qualified mediator. Likewise, it is laughable to suggest  
3 that the retired judges proposed by the Chiang Hsiao-yen Family — with nearly 50 years of combined  
4 experience on the bench — would somehow be unable to familiarize themselves with the relevant history.  
5 Their lack of relevant experience and training should also disqualify Mr. Huang and Mr. Chiou from  
6 mediating this case.

7 **III. The additional points raised Academia Historica to try and distract from the**  
8 **inappropriateness of their proposed mediators are nothing more than irrelevant red**  
9 **herrings.**

10 Academia Historica inaccurately claims that it represents 60–80% of the heirs in this case and  
11 makes much of Mr. Huang and Mr. Chiou's lower fees, but neither misstatement has any bearing on  
12 whether either proposed mediator can serve as neutral-third parties. Preliminarily, Academia Historica  
13 claim that it represents 60–80% is false. By the Chiang Hsiao-yen Family's calculations, Academia  
14 Historica represents a mere 37% of the heirs in the case. Likewise, the fees quoted by Academia Historica  
15 are misleading. Academia Historica failed to provide daily and hourly per party rates which likely means  
16 their fee quotes are gross misrepresentations of the total fees per party.

17 Regardless, the amount of a mediator's fee has absolutely no influence on whether they can serve  
18 as a neutral third-party. In fact, one could conclude the opposite is true. Parties typically split mediation  
19 fees 50/50 and the Chiang Hsiao-yen Family has no reason to believe the fees in this matter would be  
20 allocated any differently. Further, two governmental employees who are not lawyers and have never  
21 mediated a case are always going to be less expensive than a retired judge with decades of relevant  
22 experience. This is particularly true because Taiwan currency is worth around 30 times less than the US  
23 dollar. Indeed, if anything, the fees requested by the mediators proposed by the Chiang Hsiao-yen Family,  
24 which are reasonable and comparable to any other private mediator, speak only to their high level of  
25 experience, competence, and ability to remain impartial. Certainly, it is beyond question that two judges  
26 with some fifty years of experience on the bench are more than capable of serving as a neutral mediator.  
27 Their fees speak to their experience and exceptionally pristine reputations and should only assure this  
28 Court of their ability to resolve this matter fairly.

1 Dated this 25th day of January, 2023.

2  
3 RADLO & SU

4  
5 By: /s/ Peter C. Su  
6 Peter C. Su  
7 Attorneys for Defendants Chiang Hsiao-yen, Chiang  
8 Hui-lan, Chiang Hui-yun, and Chiang Wan-an  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Docket No. No. 5:13-cv-04383-BLF

PROOF OF SERVICE

I am employed in the State of California. I am over the age of eighteen years, and not a party to the within action; my address is Radlo & Su, 3000 El Camino Real, Bldg 4 – Suite 200, Palo Alto, CA 94306. On January 25, 2023, I served the document titled **OPPOSITION TO ACADEMIA HISTORICA'S PROPOSED MEDIATORS** on the following party in this action as follows:

**See Attached Service List.**

- (X) BY MAIL - I cause each envelope, with postage thereon fully prepaid, to be placed in the U.S. Postal Service mail at Danville, CA. I am familiar with the firm's practice for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the U.S. Postal Service the same day as it is placed for collection.
- (X) BY EMAIL TRANSMISSION - The above-referenced document is transmitted via electronic transmission to the persons at the electronic-email addresses indicated on the attached Service List.
- ( ) BY PERSONAL SERVICE - I delivered to an authorized courier or driver authorized by to receive documents to be delivered, or personally delivering the above-referenced document, on the same date. A proof of service signed by the authorized courier will be filed forthwith.
- ( ) BY OVERNIGHT COURIER - The above-referenced document is placed in a sealed envelope with shipping prepaid via Federal Express, and deposited in a collection box for overnight delivery.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of January 25, 2023, at Palo Alto, California.

/s/ Peter C. Su



**Service List**

Mr. Chungyan “James” Chan  
Room 501, Block 70  
2000 Gu Dai Road  
Shanghai, China

Via e-mail only  
jameschan1945@sina.com

Amy Hsiao-chang Yu  
2905 Buena Vista Way  
Berkeley, CA 94708-2017

Via e-mail only  
ayu@pobox.com

**Via U.S. Mail**

Chiang Yo-bo  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Yo-ching  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Yo-ching  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Yo-lan  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Yo-sung  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Fang Chi-yi  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

Chiang Tsai Hui-mei  
1F No 9 Lane 9  
Lin Sun North Road  
Taipei 100, Taiwan

# EXHIBIT A





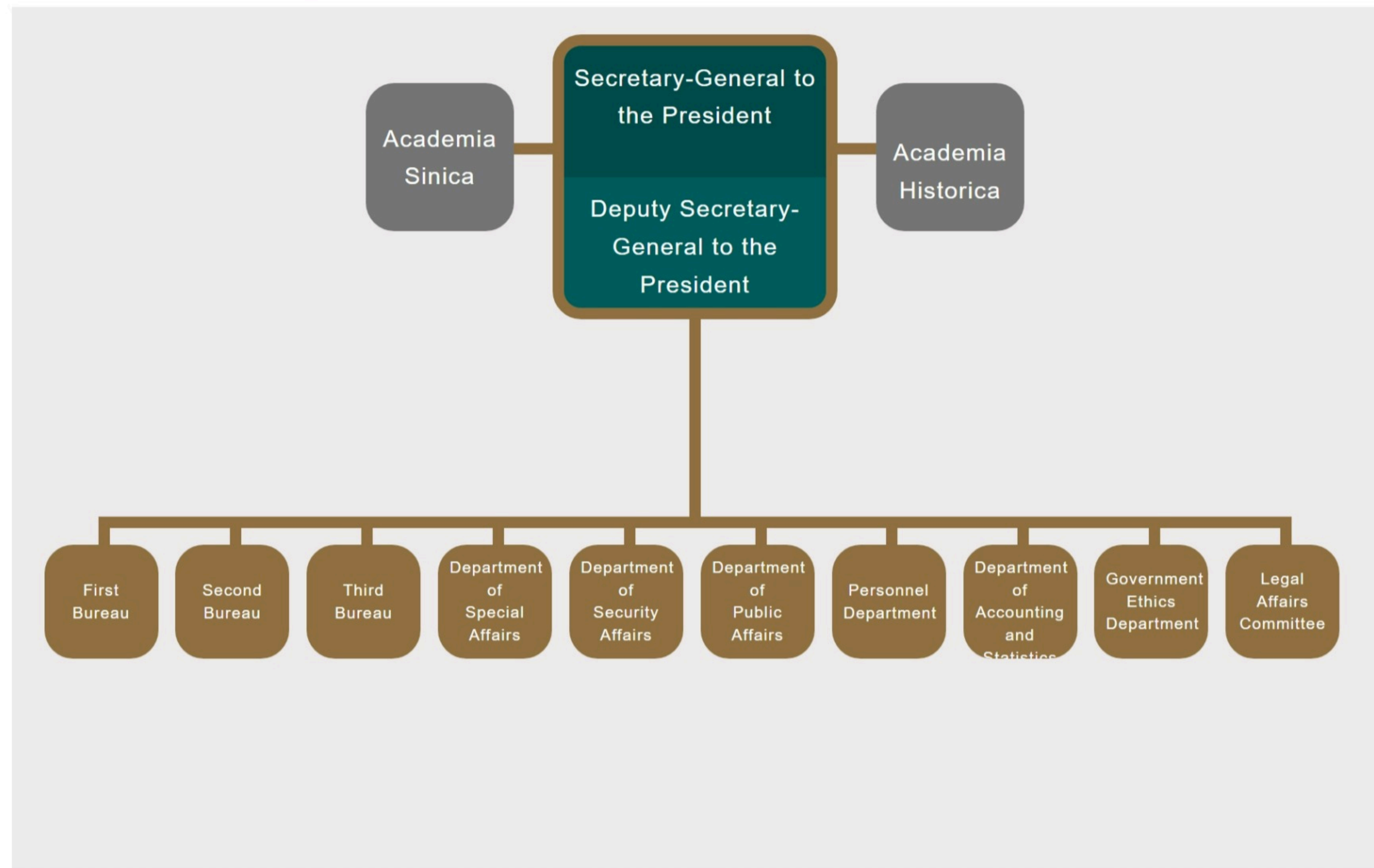
## Ceremonial functions

中文

## Organization chart

The Office of the President shall have one secretary-general to the president. The secretary-general shall be a special-grade political appointee and shall, under the direction of the president, take overall charge of the affairs of the Office of the President and direct and supervise all staff. The Office of the President shall have two deputy secretaries-general to assist the secretary-general with administrative matters. One shall be a special-grade political appointee and the other a political appointee with a position equivalent to a 14th-grade senior-level civil servant.

Academia Sinica and Academia Historica shall be under the direct administrative supervision of the Office of the President.



## More

## Senior officials

## Advisors

## Ceremonial functions

## Tours

➤ Visitor information

➤ **Book a visit**

➤ Architecture

➤ Presidential Office Exhibit

## Write to the President

## FAQ

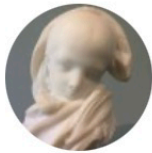
- Ceremonial functions

- Government organizations

ity policies ► Access



# EXHIBIT B



黃丞儀 @Cheng\_yi\_Huang · Nov 9, 2022 ...

蔣萬安本來打算大走中間路線，但沒想到半路殺出黃珊珊，變成三角督，他只能回防穩固藍營基本盤。因此像中正紀念堂這類議題，他原先可能會有一些積極回應，但這次選舉就先hold住。他如果當選台北市長，可能也不會走回深藍路線，因為如果朝重慶南路方向看，他也要擴大選民基礎，成為國民黨內的蔡英文。



Chiang Wan-an originally planned to take the middle route, but he didn't expect Huang Shanshan to appear halfway and become a triangular mayor competition. He could only return to defend and stabilize the basic base of the blue camp. Therefore, for issues such as the Chiang Kai-shek Memorial Hall, he may have had some positive responses in the past, but this election will be held first. If he is elected mayor of Taipei, he may not go back to the dark blue route, because if he looks in the direction of Chongqing South Road, he will also expand his voter base and become the Tsai Ing-wen of the Kuomintang.

English translation provided by Peter C. Su, Attorney, SBN 226560



Original posted in English



Wu Enoch actually chose well!

Before the election, people made fun of him. Using a Buddhist election method, the lonely seeking defeat, the high-ranking and the few, and the lack of elections. As a result, his small living room symposium did not hang campaign billboards and flags, and did not fight negative election campaigns, and he was able to narrow the gap to around 6,000 votes. On the other hand, when the "sense of national subjugation" was strongest in 2020, the gap between him and Chiang Wan-an was nearly 13,000 votes.

I don't know what kind of changes his election method can bring to Taiwan?

English translation provided by Peter C. Su, Attorney, SBN 226560

# EXHIBIT C





front page

Search this site:

search

## Article classification

- About Chengshe
- ▼ Chengshe Review
  - ▼ sovereignty and external
    - Relations with China
    - Chinese democracy
    - International Politics
  - ▼ Democratic Institutions and Political Governance
    - constitutional reform
    - democratic system
    - judicial
    - financial
    - Environmental friendly
    - governance
  - ▼ Democratic society
    - social democracy
    - transformational justice
    - democratic culture
  - ▼ human rights
    - gender equality
    - labor
    - Information
    - the medical
  - Academics, Education, Culture and Media
  - natives
  - Chengshe statement
  - Chengshe activities
  - Chengshe Report
  - Published by Chengshe

## member login

Username: \*

Password: \*

## Let the President be governed by the Exercising of Presidential Powers Act

2019/11/09 - 21:59 — taipeiso

Qiu Wencong/Associate Researcher of the Institute of Law, Academia Sinica, Chairman of Taiwan Defense Democracy Platform, Executive Committee Member of Chengshe

How much the president should manage and how little he should have suddenly become a topic of election campaign recently. KMT presidential candidate Han Kuo-yu is often criticized as an unintended straw bag. Two members of the National Affairs Advisory Group, Su Qi and Liao Daqi, came out to refute it. Shouldn't be doing that much! And don't need to know that much!" The president shouldn't be expected to do everything.

Although it is reasonable to think about who should be elected as the president from the perspective of "the position of the president in the constitution," the actual relationship between successive directly-elected presidents and the Premier has often changed after the Constitution was amended in 1997 to abolish the Cabinet's consent right to the Legislative Yuan. With the external political situation and the ebb and flow of power within the party, it presents a different system appearance on the first and fifteenth day of the new year. Lee Teng-hui and Xiao Wanchang, Ma Ying-jeou and Zhang Shanzheng, the role of the president in the two combinations is not the same; even the same president can become the real decision-maker of national affairs because of the power after the election and the courage to assume responsibility. He failed and turned into a hidden mirror behind the scenes, and even completely retreated to the second line.

The current "Constitution" does not have a clear position on the central government system, making the "constitutional position of the president" always erratic. On the one hand, the President is entrusted by the Constitution with the role of a mediator of inter-campus disputes. He should be a detached president who does not excessively intervene in daily politics and only represents the country externally. On the other hand, the direct election of the president and the abolition of the cabinet's right to consent to the constitutional revision seem to imply that the executive president is only the chief executive officer of the president. Hands reach into the administration.

However, the current "Constitution" still has provisions stating that the Executive Yuan is the highest administrative organ of the country, which seems to mean that the directly elected president should share executive power with the president of the Executive Yuan in different matters. The positioning of the central government system is not clear, and the normative density of the separation of powers and responsibilities between the president and the executive dean is seriously insufficient. As a result, the president can often move between three extreme different roles at will, but can escape from different system positioning. The president should be classed The corresponding requirements of responsibility.

These are the blue and green politicians who have already publicly admitted that the central government system that needs constitutional reform is seriously ill. However, the current threshold for constitutional revision is too high, and the political cost of constitution-making is also extremely huge, so that calls for constitutional reform, whether sincere or not, have so far remained silent. However, if the balance of powers and responsibilities is the basic principle of democratic constitutionalism, the current "Constitution" leaves a lot of room for maneuver in the central government system, which should not be the intention of the framers of the constitution. It should be a feasible and constitutional solution to temporarily alleviate the problem of inconsistency between powers and responsibilities before the constitutional revision by lawmakers to moderately fill the excessive normative gaps in the Constitution through laws.

In fact, at present, apart from the stipulations in the Constitution itself, the "Five Courts" each have their own "laws" regulating the exercise of their powers (Administrative Procedure Law, Law on Exercising

## fan page



澄社 ( ...

追蹤粉絲專頁

## guide

- latest articles
- ▶ RSS feed

[request new password](#)

Powers of the Legislative Yuan, Supervision Law, Examination Law, Judicial Yuan justice case trial law, etc.), but the president who is also a "constitutional organ" has no corresponding laws to regulate the scope, methods, and procedures of the exercise of power (power), so that the president, who is originally supported by all people and humble in everything, often Collapsing into the "black hole of power" of the democratic system.

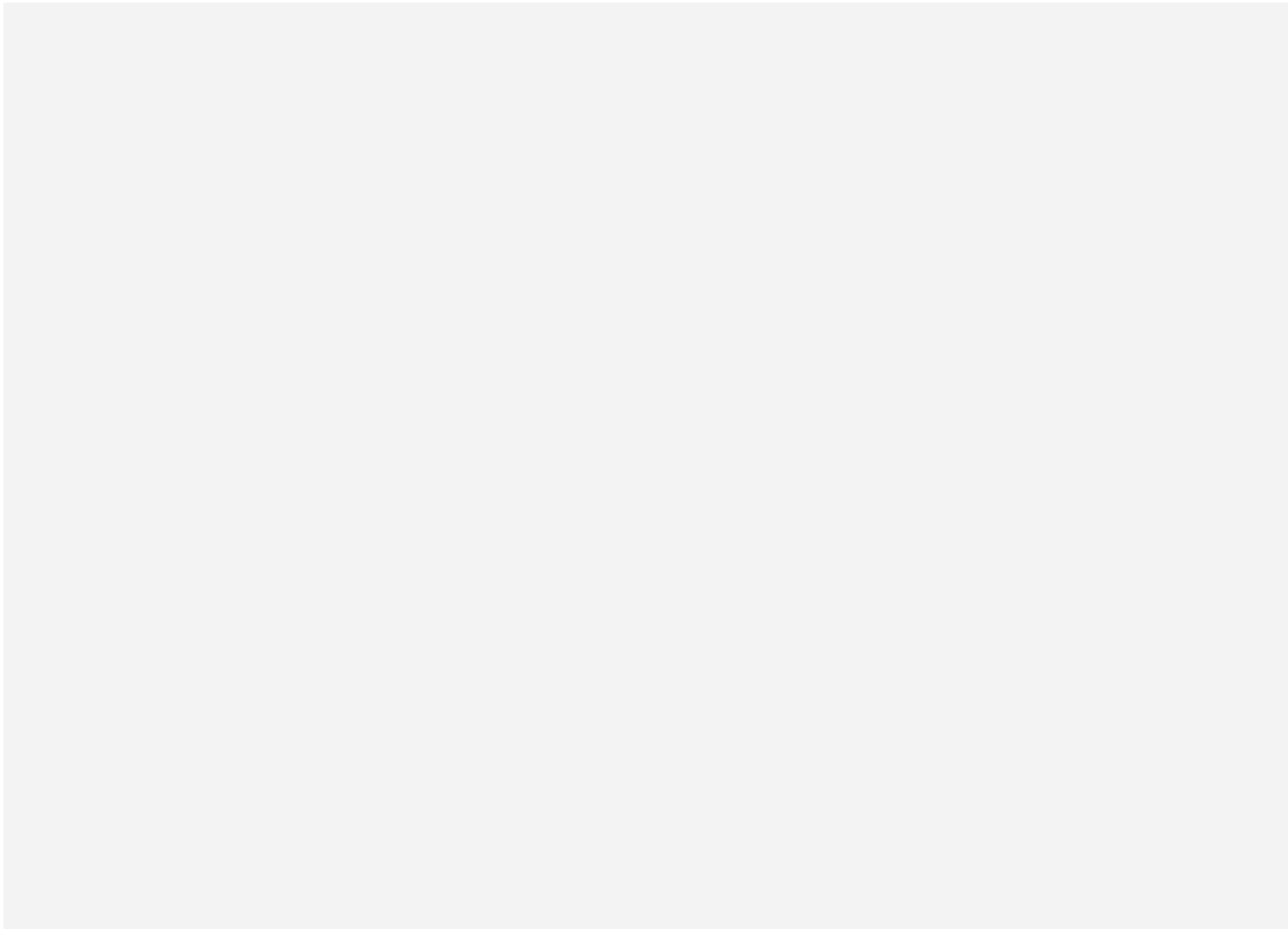
How to formulate a "Presidential Exercising Act" to define the relationship between the president and the cabinet under the three constant conditions of "direct election of the president" and "the executive yuan is the highest executive body" but "the appointment of the president does not require the consent of the Legislative Yuan". One of the keys to Kui's powers and responsibilities should be to clarify the scope of the president's determination of the scope of national security-related major policies, decision-making procedures, equipment required for decision-making, and binding effects on executive agencies. In addition, giving the president the obligation to request the Legislative Yuan to listen to the national security policy report and granting the Legislative Yuan wider powers of personnel hearing and review are also necessary means to strengthen legislative checks and balances on the super president.

Instead of arguing about how much the president should manage and how little, it is better to sit down and discuss the legislation of the Act on the Exercising of Presidential Powers.

[constitutional reform](#)   [democratic system](#)   [Democratic Institutions and Political Governance](#)  
[Democratic society](#)   [Chengshe Review](#)

[add new response](#)

-----Responses are welcome to promote discussion on public issues-----  
but the responses that have nothing to do with the topic of discussion or malicious personal attacks, this edition reserves the right to delete



# EXHIBIT D

臺灣守護民主平台會長邱文聰認為：當前在總統選舉的層次，議題被壓縮，在抗中、親中的這條軸線上，已經主宰整個總統選舉的戰場，故會讓人將期待放在立委選舉戰場上的討論，比如在抗中、親中以外開展

10

**專題**

保台的策略。不過保台並非抗中的反義詞，而是更實質去看台灣面臨的困境，包括中央政府體制問題、憲政問題、中央地方分權問題、社會民主、經濟發展策略等威脅台灣內部的重要問題，不過很不幸的，在現階段的不分區名單中好像看不出有朝向這樣發展的可能性，所以在這樣的角度的來看，也基本上同意要盡量投小黨的主張。至少在政黨上盡量投小黨，來打破過去兩黨壟斷的政治生態，比較惋惜的是現在的新秀政黨，在抗中軸線之外，真正在社會議題上耕耘，提出有非常價值導向的具體政策的政黨並不多。

最後邱文聰會長表示，民主平台一直在推動，希望透過法律暫時彌補憲法上針對總統和行政院長之間關係規範的漏洞，並指出若大家同意總統與行政院長權責劃分的不清晰非憲政民主的原則，那正應該要朝符合權責相符方向的運作，修改總統職權行使法，或許可以在修憲前暫時緩解權責不符的情況。

台灣教授協會副會長陳雨南同樣認為，總統與行政院長的權責劃分不清楚是大家都能知道的，不過當兩黨都不願意處理修憲問題，而民間團體預備發起的公民投票又難以啟動時，同樣難以看好第十屆會有大多的變革。第二，就現有的政黨提名不分區名單而言，兩大政黨皆趨於保守的提名，相較於2016年的名單，從國民黨名單來看，年輕人大幅減少，平均年齡較過去成長了十多歲，且是不是有國民黨新黨化的可能；而在民進黨本身來看，環保團體的代表也是大幅減少，亦沒有任何獨派勢力，在排序的先後上則能看得見派系間的問題。陳副會長再次

**專題**

強調，政黨代表名單，能夠呈現政黨的主要價值，並表示，儘管有許多反對蔡英文總統、韓國瑜市長後轉而尋求第三勢力，不過第三勢力不見得是中間勢力，而走出藍綠亦不全然代表超越藍綠，並不能夠因打藍、打綠就自詡為社會進步的公民力量。

中山大學政治學研究所特聘教授廖達琪聚焦在希望提升公民素質，提倡民眾對社會議題之關心。廖達琪教授在多年的「I-Voter」計劃中，整理關乎國家社會的25項議題，現行已蒐集到十個小黨的政策立場，議題面向包含兩岸關係、核能、經濟、環保等，試圖透過這樣的模式，提升台灣民主的含金量，同時調查政黨、民眾對政策議題有什麼樣的想法，讓人民在投票前思考一下。回到立法院，廖達琪教授認為透明化推動固然雖然很重要，但立法委員的行為透明同樣是需要努力推動的，另外，誠實性亦需要被重視。最後發表對「廢除黨團協商」的看法，認為在現階段無配套措施之下，政黨協商是小黨能與大黨在多數人頭的情況下，公平參與討論的機會，故在完備相關規定前，並不支持廢除黨團協商，同時肯定小黨多始合乎民主基本運作的原則。

公督盟執行長張宏林明確點出第十屆立法院應該修改的方向，包括選制改革問題，如何脫離金錢選舉，並點出一政黨政治失靈的現象，即政黨應穩定培訓未來的接班者，但民眾卻希望空降政治素人，傳統政黨應該要去反思，為什麼民眾會更厭惡相對有經驗的政治人物。第二，目前可以確定新國會產生一位新的院長，政黨應該要表態，並說

明要帶領立法院走向什麼樣的改革未來。第三，聽證調查權的賦予，當立法委員身為制衡行政機關的角色就應該賦予其足以抗衡的工具。第四，議事會議上雙召集人的制度，有好的部分，但也有因政黨意識型態，而使問題無法有節奏被處理的情況產生。第五，延續議事排程的問題，預算的延宕是立法院非常嚴重的問題。第六，幕僚機構的加強，從預算中心、法制局延續到對助理的相關規範、保障。第七，立委的兼職問題。第八，造冊登記的落實。最後，從公督盟的角度出發，希望呼籲民眾不要將立委里長化，而能在民主國家中，各司其職，堅守各自崗位。

最後，由顧忠華創會理事長作結：下一屆的國會一定是新的氣象，公督盟期待未來能凝聚更大共識，持續進行監督，使立委

同政更符合民意，讓各政黨超越單一格局，公督盟仍然會不斷進行國會改革倡議，而這正是公督盟的使命！

線上捐款  
安全便利





（圖左至右依序為台灣教授協會副會長陳雨南、臺灣守護民主平台會長邱文聰、中山大學政治學研究所特聘教授廖達琪、公督盟創會理事長顧忠華、公督盟理事長吳麗霞、公督盟執行長張宏林）

<https://issuu.com/ccw.tw/docs/d4038-163-72p->

公督盟國會季刊第 163 期

Published on Jan 2, 2020

Wen-Tsong Chiou is the Chairman of Taiwan Protection of Democracy Platform Organization, commented: ... advocating for voting for a small political party, at least reducing voting for major political parties, as a way to break the current domination of major political parties ...

Issue 163 of the Parliamentary Quarterly

English translation provided by Peter C. Su, Attorney, SBN 226560